

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

IN RE RED HAT, INC. SECURITIES LITIGATION

)
)
) Master File
) No. 5:04-CV-473-BR
)

THIS DOCUMENT RELATES TO:

ALL ACTIONS

)

ORDER

This matter is before the court on Lead Plaintiff's motion for distribution of class settlement fund. On 6 February 2012, the court conducted a hearing on the motion. The motion is ALLOWED.

It is hereby ORDERED that:

1. the administrative determinations of the Claims Administrator, RSM McGladrey, Inc., accepting the claims as indicated in Exhibits A and C to the Affidavit of Frank Barkan filed 3 February 2012 are hereby accepted;
2. the administrative determinations of RSM McGladrey, Inc. rejecting the claims as indicated in Exhibit B to the Affidavit of Frank Barkan filed 3 February 2012 are hereby accepted;
3. RSM McGladrey, Inc. shall be paid the sum of \$148,234.08 from the Settlement Fund¹ for the balance of its fees and expenses incurred and to be incurred in connection with the services performed and to be performed in preparing tax returns for the Settlement Fund,

¹Capitalized terms, unless otherwise noted, are defined in the Stipulation of Settlement filed 29 March 2010.

processing the Proofs of Claim, and administering and distributing the Settlement Fund, provided that no further amount will be paid to RSM McGladrey, Inc. without further order of the court;

4. the balance of the Settlement Fund after deducting the payments previously allowed and set forth herein (the "Net Settlement Fund") shall be distributed to the Authorized Claimants listed in Exhibits A and C to the Affidavit of Frank Barkan filed 3 February 2012 in proportion to the Recognized Claim² allocable to each such claimant as shown on such exhibits;
5. the payments distributed to the Authorized Claimants shall bear the notation "CASH PROMPTLY; VOID AND SUBJECT TO RE-DISTRIBUTION 180 DAYS AFTER ISSUE DATE." Lead Counsel and RSM McGladrey, Inc. are authorized to take appropriate action to locate and/or contact any eligible claimant who has not cashed his, her or its distribution within said time;
6. the costs of such services to locate and reissue payments to such Authorized Claimants shall be payable from the unclaimed/uncashed monies remaining in the Net Settlement Fund;
7. after six months following the initial distribution of the Net Settlement Fund to Authorized Claimants and after reasonable and diligent efforts have been made to have such claimants cash their distributions, Lead Counsel is authorized to distribute any funds remaining in the Net Settlement Fund by reason of returned or unpaid distributions or otherwise, to Authorized Claimants who have cashed their distributions, provided that

²Recognized Claim amounts are set forth in Exhibits A and C to the Affidavit of Frank Barkan filed 3 February 2012.

they would receive at least \$10.00 on such re-distribution based on their Recognized Claims, after payment of any unpaid costs or fees incurred in administering the Net Settlement Fund for such re-distribution. If after six months after such re-distribution any funds shall remain in the Net Settlement Fund, then such balance shall be contributed to a non-profit organization selected by counsel;

8. designated persons and parties are release pursuant to the terms of the Stipulation of Settlement filed 29 March 2010;
9. RSM McGladrey, Inc. is hereby authorized to discard paper or hard copies of the Proofs of Claim and supporting documents not less than one year after the initial distribution of the Net Settlement Fund to the Authorized Claimants and electronic or magnetic media data not less than three years after the initial distribution of the Net Settlement Fund to the Authorized Claimants;
10. this court retains jurisdiction over any further application or matter which may arise in connection with this action;
11. no claim submitted after 19 January 2012 may be accepted except by further order of the court;
12. the Clerk is directed to enter judgment in this matter pursuant to Fed. R. Civ. P. 58(a);
and
13. RSM MCGladrey, Inc. is permitted to proceed with the distribution of the Net Settlement

Fund in accordance with the terms of the Stipulation of Settlement filed 29 March 2010.

This 8 February 2012.

A handwritten signature in green ink, appearing to read "W. Earl Britt", is positioned above a horizontal line.

W. Earl Britt
Senior U.S. District Judge